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pipeline construction release or operational release to the habitat monitored for benthic organisms have not been evaluated for Segment 1.

14-49

**Comment D-19. Page D.8-17. Mitigation Measure of Impact GW-2: Groundwater quality degradation from pollutants during construction. Residual Impact.**

14-50

This requirement states, *"With implementation of NPDES requirements for preparation of a SWPPP and HMPP, Impact GW-2 would be less than significant."*

The mitigation measure for this impact does not appear to be fully developed. For Segment 1 impacts requiring this mitigation measure, additional reporting to Rhodia and the regulatory agencies and interested parties for the Peyton Slough Remediation and Restoration Project should also be provided. These agencies and interested parties include the RWQCB, BCDC, ACOE, CSLC, Mt. View Sanitary District, East Bay Parks District (EBPD), and the Contra Costa Mosquito and Vector Control District (CCMVCD).

**Comment D-20. Page D.8-20. Mitigation Measure for Impact HS-5: Accidental Contamination of Surface Water with Pipeline Product.**

14-51

The mitigation measure states, *"HS-5a. Spill Response Plan to Protect Waterways. The Supplemental Spill Response Plan defined in Mitigation Measure S-2a (Section D.2) shall include specific measures for containment and clean-up of product spills that could possibly reach surface water either directly or through any conduit including overland and subsurface flow. This plan shall be submitted to the CSLC for review and approval 60 days prior to pipeline construction.*

***Residual Impact.*** *Impact HS-5 is significant even with implementation of Mitigation Measure HS-5a. A Statement of Overriding Considerations would be required for project approval."*

For Segment 1, the RWQCB and other parties listed in Comment D-12 have not been considered for immediate notification.

**Comment D-21. Page D.8-21. Impact GW-4: Contamination of Groundwater.**

14-52

This section addresses potential impacts to drinking water resources. This Draft EIR does not appear to address the potential impact to groundwater resources and remediation systems in the vicinity of the proposed pipeline. Rhodia currently operates a groundwater extraction system in the subsurface residual ore bodies located in the vicinity of the Proposed Project. This system collects groundwater which is treated at an onsite Process Effluent Purification (PEP) Plant for metals and discharged via Rhodia's deep water outfall to the Carquinez Strait. It is stated in Section D.2 Pipeline Safety and Risk of Accidents that the pipeline will potentially leak. It appears that the potential impact to groundwater and Rhodia's onsite extraction system operation and discharge to

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Carquinez Strait due to the proximity of the pipeline has not been addressed in this Draft EIR.

14-52

**Comment D-22. Page D.9-3. Table D.9-3. Segment 1 Land Use Types by Milepost.**

Within Segment 1, the Rhodia property comprises a small segment (from approximately MP 4.4 to 4.5). There is no mention of other adjacent property owners along the Proposed Project ROW.

14-53

In addition, it does not appear that a full review of RWQCB Orders (e.g., for cleanup and abatement) has been included for the property owners in the Segment 1 alignments. For example, we note that the existing Order related to the Peyton Slough project was not addressed, and that other current and former cleanup sites on adjacent properties have not been listed.

**Comment D-23. Page D.9.4. Phase 1 Carquinez Strait Crossing. City of Martinez. First paragraph.**

14-54

The first paragraph states, "As shown in Table D.9-3, 2.3 miles of the proposed route would be in the City of Martinez. The proposed route would follow a service road onto the Shore Terminal property as it would make its way north towards the Carquinez Strait. The 20-inch pipeline would travel adjacent to Zinc Hill (MP 4.1) and then head westerly across existing marshland for approximately 800 feet before reaching an existing access road on Rhodia, Inc. (Rhodia) property. Through the existing marshland, the pipeline would cross both the existing and future alignments of the Peyton Slough. This area around the Rhodia Plant, Zinc Hill, and the Peyton Slough has substantial soil contamination associated with mining wastes, including zinc, copper, cadmium, iron, nickel, arsenic, barium, mercury, and low pH."

The Rhodia property and the Peyton Slough Remediation and Restoration Area comprises a limited portion of Segment 1) There is no mention of neighboring property owners subject to RWQCB Orders that may be relevant to the Proposed Project ROW and subject to evaluation in the Draft EIR.

**Comment D-24. Page D.9.4. Phase 1 Carquinez Strait Crossing. Footnote.**

Footnote 1 states: "The Peyton Slough Restoration Project has been authorized by the Regional Water Quality Control Board and involves decontamination, relocation and restoration within the slough area adjacent to the Rhodia site. The project is expected to be completed by the end of 2004."

14-55

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Due to permitting issues, the Peyton Slough Remediation and Restoration Project schedule is not known at this time. The construction may take up to four construction seasons. Construction will begin at the earliest time feasible, and according to scheduling restrictions contained in permits once all such permits have been received.

14-55

**Comment D-25. Page D.9-11. Section D.9.1.3. Environmental Setting: Existing Pipeline ROW Alternative.**

The second paragraph states:

*"The Existing Pipeline ROW Alternative would follow the route of SFPP's existing Line Section 25 from Concord to West Sacramento. The route would primarily travel in railroad ROW. The pipeline would depart SFPP's Concord Station at 1550 Solano Way in Contra Costa County and follow railroad ROW along Solano Road to the north. Land use along this segment is industrial. It would turn west at Waterfront Road and cross Pacheco Slough. The pipeline would parallel Waterfront Road in UPRR ROW until just east of Interstate 680 (I-680), where it would turn north and enter Shore Terminal, then Rhodia property. This area around the Rhodia Plant and the Peyton Slough has substantial soil contamination associated with mining wastes, including zinc, copper, cadmium, iron, nickel, arsenic, barium, mercury, and low pH. It would travel down a slope toward the Carquinez Strait and would continue approximately 1.2 miles across the Carquinez Strait."*

14-56

Within Segment 1, the Rhodia property and the Peyton Slough Remediation and Restoration Project area comprise a brief (although environmentally sensitive) portion of the Proposed Project. There is no mention of neighboring properties that may be subject to RWQCB Orders, which may illuminate potential impacts that should be considered in the Draft EIR. Also, this section indicates that the Existing Pipeline Right of Way Alternative follows the same alignment as the Proposed Project alignment with respect to the Peyton Slough Remediation and Restoration Project site.

As stated in prior comments, it does not appear that viable construction alternatives for the Carquinez Strait Crossing have been identified or developed in the event that a single HDD (as referenced in connection with Phase 2) is still not technically practicable at such time when the existing 14-inch pipeline may become unsafe for continued use. It appears that there may be some relationship between the proposed Phase 2 drilling operations in the tidal wetlands in the Peyton Slough Remediation and Restoration Project area and the location of the portion of proposed Segment 1 (and its alternative) between MP 3 and MP 5. Given the state of the technology, it does not appear necessary to follow Segment 1 of the Proposed Project and alternative alignments in such proximity to the remediation and restoration project. As an alternative alignment for this vicinity, the proponent should consider following a course in or adjacent to the project proponent's existing pipeline right of way – a course which would avoid proximity

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to the wetlands and related impacts. As stated above, Rhodia believes that the Draft EIR may improperly segment Phase 2 from Phase 1. In any event, if the Phase 2 CEQA study is premature at this time, as the project proponent suggests in the Draft EIR, then the location of the alignment for Phase 1 should not be affected by Phase 2. If Phase 2 is now at issue, then its impacts should be studied and included in this Draft EIR.

14-56

**Comment D-26. Page D.9-15. Section D.9.2.3. Regional and Local.**

The first sentence in the third paragraph states, *"In the City of Martinez, no permits would be required for the Proposed Project since the pipeline would be buried."*

14-57

For the portion of the Proposed Project taking place in the Peyton Slough Remediation and Restoration area and on the Rhodia site, the draft EIR does not consider whether permits from the City of Martinez for Site Development, Structural, Grading and a Hauling may be required. The City of Martinez will issue such permits for the Peyton Slough Remediation and Restoration project and any work efforts and permits between these two projects must be reconciled.

**Comment D-27. Page D.9-16. Section D.9.3. Environmental Impacts and Mitigation Measures for the Proposed Project.**

14-58

There does not appear to be an analysis of cumulative impacts in Segment 1 due to its proximity to, or comparatively, the distance of the project proponent's existing pipeline right of way from, the Rhodia property or the Peyton Slough Remediation and Restoration Project.

**Comment D-28. Page D.9-16. Section D.9.3.2. Definition and Use of Significance Criteria. Bullet list.**

14-59

Add the bullet:

- Conflict with any remediation and/or restoration projects.

**Comment D-29. Page D.9-20. Section D.9.3.6. Impacts by Segment. Segment 1 (MP0-6.1) – Contra Costa County and Carquinez Strait.**

14-60

This section does not appear to address the impacts that the Proposed Project will have on the subsurface residual ore bodies or other aspects of the planned remedial actions associated with the Peyton Slough Remediation and Restoration Project. Also, there is no comparison of such impacts to the use of the Existing Pipeline ROW in Segment 1.

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**Comment D-30. Page D.9-20. Section D.9.3.6. Impacts by Segment. Segment 1 (MP0-6.1) – Contra Costa County and Carquinez Strait. Phase 1 Carquinez Strait Crossing.**

14-61

The second paragraph, second sentence, reads, “As described in Section D.6 (Environmental Contamination and Hazardous Materials), the Rhodia site and Peyton Slough are contaminated due to historic heavy metal contamination of the soil, and remediation currently underway.”

Construction of the remedial action has not yet begun.

**Comment D-31. Page D.10-10. Section D.10.3.5. Impacts of Pipeline Operation. Impact N-3: Noise from Inspections and Maintenance Activities.**

14-62

This section does not appear to address noise impacts in Segment 1 where the Proposed Project ROW (or its alternatives) traverses the vicinity of potential Clapper rail, Black rail, and salt marsh harvest mouse habitat and where noise may then pose a disturbance to these special status species.

**Comment D-32. Page D.12.16. Section D.12.3.6. Impacts by Segment. Segment 1 (MP0-6.1) – Contra Costa County and Carquinez Strait. Phase 1 Carquinez Strait Crossing.**

14-63

The first sentence reads, “Construction activities associated with the Phase 1 Carquinez Strait crossing would occur on private property owned by Rhodia, and would not directly encroach public roads. Therefore, direct impacts to road transportation and traffic would be minimal.”

This statement does not appear to consider potential cumulative impacts in Segment 1 if there are multiple projects utilizing Rhodia private roadways including the Peyton Slough Remediation and Restoration Project, and ongoing Caltrans construction traffic. Additionally, access roads to work areas and pipeline right of way do not appear to have been identified on either right of way drawings in Appendix E or in Figure B-6. Constraints that would likely apply to the Peyton Slough Remediation and Restoration Project, such as restrictions for traffic on the final engineered cap, would also apply to the construction of Phase 1 and Phase 2 portions of the Proposed Project and have not been considered.

**Comment E-1. Page E-3. Section E.3. Cumulative Scenario. Table E-1. Cumulative Scenario – Approved and Pending Projects.**

14-64

The Peyton Slough Remediation and Restoration Project is not included in this table or within this section.

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**Comment F-1. Page F-3. Mitigation and Monitoring Tables.**

Mitigation and monitoring for cumulative or other impacts for the Peyton Slough Remediation and Restoration Project do not appear to be addressed in these tables.

14-65

**Comment F-2. Page F-8. Table F-5 Mitigation Monitoring Program - Environmental Contamination and Hazardous Waste.**

The RWQCB, Region II, is the lead agency for the Peyton Slough Remediation and Restoration Project. It appears that this agency has not been included as a Responsible Agency under the subject in Impact EC-5.

14-66

It should be noted that these comments are not intended to be exhaustive, and Rhodia reserves the right to add comments as permitted under CEQA. Please feel free to call the undersigned at (713) 201-1273 for any additional information or clarification on these comments.

Sincerely,



Mary Brown  
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cc:

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## Responses to Comment Set 14

- 14-1 The CSLC's involvement in the Peyton Slough Remediation and Restoration Project has influenced the analysis of the Proposed Project. This is reflected in mitigation measures in Sections D.4 (Biological Resources), D.6 (Environmental Contamination and Hazardous Materials), and D.8 (Hydrology and Water Quality) and alternative routings (Existing Pipeline ROW Alternative). The Final EIR will enable the CSLC's consideration of the Proposed Project or the routing favored by the commenter. Please see also Response to Comment 28-1, which provides more information on the Existing Pipeline ROW Alternative, and Response to Comment 33-17, which fully explains the approach to consideration of the Phase 2 Carquinez Strait crossing.
- 14-2 Text has been added to the Executive Summary to elaborate on Project routing, to explain the Peyton Slough project, and to clarify the revised route. Please refer to Executive Summary Section 2.1 (changes recorded in Section 4 of this Final EIR).
- 14-3 When SFPP initially submitted the Proposed Project, it included the installation, via HDD, of a new 20-inch line under the Carquinez Strait. SFPP subsequently determined that a bore of such diameter over such a distance had never before been attempted and that existing HDD technology is not sufficiently developed to attempt the proposed bore. The Proposed Project was amended, accordingly, to use the existing 14-inch line beneath the Carquinez Strait. As the present Project utilizes an existing facility without construction or other physical impacts to the environment of the Strait, it is not necessary to analyze alternative crossings at this time. Should HDD technology advance to the point that a bore in excess of 20-inch over approximately a mile distance becomes feasible and SFPP submits an application to the CSLC, an EIR will be prepared in which alternatives to the use of HDD are defined and analyzed as required. This approach, in our opinion, is consistent with the provisions of the CEQA and does not share the same set of facts that exist in *Laurel Heights Improvement Assn. V. Regents of University of California* (1988) 47 Cal.3rd 376, 396, 253. In the instant case, for example, it is not certain when, or even if, HDD technology will advance sufficiently for the desired bore to become feasible. Section 15144 of the State CEQA Guidelines states, "Drafting an EIR or preparing a negative declaration necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose what it reasonably can." We believe that the information within the EIR meets this standard.
- 14-4 Neither the perception of the commenter that "The Draft EIR does not appear to evaluate an alternative using the project proponent's existing pipeline right of way in Segment 1." nor the stated distinction between the 'existing pipeline right of way' and the Existing Pipeline ROW Alternative is the case. The 'existing pipeline right of way' and the Existing Pipeline ROW Alternative, as analyzed in the EIR (see Sections C.3 and D.2.4, D.3.4, et al.) are one and the same. Figure B-2, Detail of Proposed Pipeline Route (page B-45 of the Draft EIR) illustrates the approximate location of the Existing Pipeline ROW Alternative. This Figure has been modified to include an enlarged inset for the area of this alternative closest to the Carquinez Strait and Rhodia (see end of Section 4, first revised figure after end of text). As indicated in the revised Figure B-2, the alternative route is west of the Proposed Project (after approximately MP 3.5 to the Strait), consistent with the description in Section D.9.1.3 of the Draft EIR (see page D.9-11), thereby avoiding the area within the Peyton Slough Restoration

and Remediation Project. As indicated, the Segment 1 of the Existing Pipeline ROW Alternative would follow the route of the existing 14-inch SFPP Pipeline.

In general, the commenter's reliance on the Executive Summary as indicative of the depth of the analyses in the Draft EIR is misplaced. Further, as established above, the Existing Pipeline ROW Alternative would follow the route of the existing 14-inch SFPP Pipeline in Segment 1 and as such would not have any wetland impacts in the vicinity of the Rhodia property.

14-5 Thank you. Executive Summary Section 3, Areas of Controversy, has been modified as shown in Section 4 to include concerns related to the Peyton Slough Restoration and Remediation Project.

14-6 Please refer to Responses to Comments 14-1 and 14-4 above.

14-7 The commenter quotes only a portion of the subject paragraph at ES-7. Preceding text states, "The anticipated frequency of unintentional releases from a given length of the existing 14-inch pipe (which would continue to be used in the No Project Alternative) is roughly 50 higher than that for the proposed new pipeline construction . . . . As a result, a significantly higher total number of unintentional releases are expected from the No Project Alternative (due to use of pipe constructed in 1967) as compared to either the Proposed Project or the Existing Pipeline ROW Alternative route (both employing new pipe)." Further, Figure ES-2, at Draft EIR page ES-8, indicates that the existing 14-inch pipeline is expected to have more releases of 50 barrels or larger than the proposed 20-inch pipeline. As stated on Draft EIR page ES-8 in the first bullet, the overall number of spills on the older existing pipeline is expected to be 36% greater than for the proposed new pipeline. Overall with respect to pipeline safety, installation of a new pipeline is strongly preferred over continued use of the older line.

Draft EIR Section D.2, Pipeline Safety and Risk of Accidents, discusses and analyzes the anticipated frequencies of a complete range of unintentional releases from the existing and proposed pipelines. The environmental impacts of a spill are analyzed in each affected issue area; e.g., Section D.4.3.4 presents the analysis of the impacts of a pipeline accident on biological resources. While the Draft EIR could not reasonably be expected to present a specific analysis of a pipeline accident at every point along the route, the discussion in Section D.4.3.4 addresses the types of impacts that would occur, e.g., in each of the different habitat types through which the Proposed Project passes.

With respect to the comment about Segment 1, please refer to Responses to Comments 14-3 and 14-4.

14-8 The point at which the 20-inch pipe connects to the 14-inch pipe will be designed specifically to accommodate the pressure difference that occurs at that point, so there would be no greater risk of an accident occurring at this point than at other points along the pipeline. The fluid being transported through the 14-inch diameter pipe at the Carquinez Strait will have a higher velocity than the fluid passing through the 20-inch diameter pipe. The Draft EIR, Impact S-2.5, at page D.2-41, describes, in "Pipeline Design Review," the third party design review to be done by the CSLC. Additional definition of this review has been added to the discussion and mitigation (see Section 4, under changes to Section D.2).

The cumulative impact discussion for biological resources (Section D.4.3.8) has been augmented (as shown in Section 4 under Changes to Section D.4, page D.4-82) to acknowledge

- the potential impacts of spills occurring in areas that have been previously affected by other pipeline accidents. Also, a discussion of cumulative impacts has been added to the Pipeline Safety section of this Final EIR (see Section 4, under Changes to Section D.2, page D.2-52).
- 14-9 Please refer to Draft EIR Sections D.2.3.6 (page D.2-42) and D.2.3.7 (page D.2-44) for relevant analyses of magnitude of pipeline releases.
- 14-10 The cited material from Executive Summary Section 4.1 is a “summary of key findings for pipeline safety and risk of accident” and is not intended to present a detailed analysis. Please refer to Response to Comments 14-4 and 14-7.
- 14-11 Section D.4.1.2 (environmental setting, under heading for Segment 1, Phase 1) explains that this area includes seasonal alkali marks and brackish marsh, and appendices to the EIR (Appendices 1C, 1D, and 1E) present additional detail on wetlands. As the issues in this comment are the same as in the preceding comment, please refer to Responses to Comments 14-4 and 14-7.
- 14-12 Section D.4.3.3 of the Draft EIR, page 4-35, defines the impacts of pipeline construction and includes Table D.4-10, Wetland Impact Summary Table. Additionally, Appendix 1D, page Ap.1d-1, defines wetland impacts by detailed milepost (to the 1/100th of a mile). Mitigation for wetland impacts is presented in the Draft EIR beginning at page D.4-84 in Mitigation Measures BB-5a, BB-5b, and BB-5c.
- 14-13 The Existing Pipeline ROW Alternative was fully considered in the Draft EIR, so could be considered (in whole or in part) by the CSLC. The statement that “there is no authority to implement mitigation” refers only to the No Project Alternative in which SFPP would continue to operate the existing pipeline. In this case, any construction or pipeline improvements that would occur would be governed by existing regulation, which in many cases allows pipeline segment maintenance or minor replacements with no CEQA documentation or mitigation requirements.
- 14-14 The function of an Executive Summary is to “summarize” the contents of a larger document. As such, detailed discussions of all aspects of each project segment are not presented. The Rhodia site and the remediation efforts are addressed in the Draft EIR in Section D.6, Environmental Contamination and Hazardous Materials (Segment 1 discussions in Sections D.6.1.2 and D.6.3.6) (see page D.6-1). Mitigation measures proposed in Section D.6.3.3, page D.6-7, present requirements for construction through contaminated areas, and their implementation would ensure that identified impacts are reduced to less than significant levels.
- 14-15 The Executive Summary is not meant to address site-specific hydrologic issues, but summarizes the types of impacts that could occur as a result of the Proposed Project or an alternative. See specific Responses to Comments 14-48 through 14-52 regarding water resources issues.
- 14-16 While comparisons of alternatives are not provided on a segment-by-segment basis, one may assemble from the matrix and the relevant Draft EIR section those impacts that apply to Segment 1. For example, in Biological Resources, Section D.4.3.6 under Segment 1 (page D.4-70 to D.4-74) identifies the following impacts that would occur in Segment 1: Impacts BB-1, BB-2, BB-4, BB-5, BB-6, BW-1 through BW-4, BM-1, and B-1 through B-4. See also Response to Comment 14-1.

14-17 The California Regional Water Quality Control Board, see Comment Set 33, Comment 33-5, states, “The Phase 1 proposed pipeline would be trenched through segments of the Paleochannel (parts of which have been filled with cinders) and two capped subsurface cinder bodies on the Rhodia Property (Fig. 2).” See Response to Comment 33-5.

Section 15130 (a)(1) of the State CEQA Guidelines states, in part, “As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.” The cumulative impacts of the routing of the Proposed Project in Segment 1, as such pertain to the Peyton Slough Remediation Project, are discussed in each relevant issue area within the Draft and Final EIR. See, for example, Section D.4.3.8 at page D.4-82 of the Draft EIR and the corresponding additions to said section in Section 4, changes to Section D.4 under page D.4-82.

14-18 The comment addresses Draft EIR Section B, the Project Description, rather than Section D in which the impact assessments are presented. The impacts of construction associated with each methodology proposed for each of the waterway crossings (e.g., work areas, bore and receiving pits, truck traffic) are considered in Section D within the analyses pertinent to each issue area’s impact. The analysis of alternate methodologies as are listed in the comment would not be necessary unless those proposed were deemed infeasible or if impacts could not be mitigated.

14-19 The Draft EIR Appendix 1E, Jurisdictional Delineation Maps, following page Ap.1D-8, provides such detail for the proposed pipeline route, including the specific locations of proposed pig launcher/receivers. See, for example, Sheet 2240-W-502 (middle strip) for the location of the valve and launcher/receiver on the Rhodia property (see revised figure in Section 4 of this Final EIR). Impacts of pipeline construction, including valve stations, are discussed extensively in the Draft EIR in each relevant impact issue areas, e.g., see D.4.3.3 at page D.4-35 for discussion of impacts of pipeline construction on biological resources. See also Response to Comment 14-7, second paragraph.

14-20 After publication of the Draft EIR, several coordination meetings have taken place in which SFPP has provided information to Rhodia and the agencies participating in the Peyton Slough Restoration and Remediation Project regarding the Proposed Project. The alternatives evaluated in the Draft EIR (including the Existing Pipeline ROW Alternative) were discussed. The CSLC may elect to consider a portion of the Existing Pipeline ROW Alternative, which is fully analyzed in the EIR, along with other portions of the proposed pipeline route.

See also Response to Comment 28-1 and 33-12.

14-21 See Response to Comment 14-20, above.

14-22 See Responses to Comments 14-1 and 14-3.

14-23 The descriptions of Phase 2 and its associated laydown area are not intended to be final or complete at this time due to the speculative nature of this action. See also Response to Comment 14-22.

14-24 The referenced sentence has been corrected (see Section 4, under changes to Section B, page B-18) to indicate that the planning process is underway, not the remediation effort.

- 14-25 The referenced sentence has been clarified (see Section 4, changes to Section B, page B-18) to show the range of possible distance between Peyton Slough and the Phase 2 route. See also Response to Comment 14-22.
- 14-26 As discussed in the Draft EIR, Section B.3.4 at page B-22, the existing pipeline and associated equipment will not be removed. Rather, the pipeline will be designated an “out-of-service pipeline.” See Response to Comment 22-1.
- 14-27 See Responses to Comments 14-1 and 14-4.
- 14-28 The impacts listed in Section C.1.2.1 of the Draft EIR are not intended to be comprehensive, but represent the major impacts that were identified at the EIR planning stages when alternatives were developed and considered. The impacts listed in the comment are evaluated in Section D of the Draft EIR, e.g., Section D.4.3.3, page D.4-35 (first and second bullets), and Section D.2.3.5, page D.2-31 (third bullet).
- 14-29 See Response to Comment 14-4.
- 14-30 Please see an amended Section C.3.2.3 in Section 4, under page C-14.
- 14-31 Low pH is a factor in external corrosion of the pipeline and requires use of a special pipeline coating to ensure that corrosion is minimized. As stated in the Draft EIR, page D.2-37, “To mitigate the likelihood of releases caused by external corrosion, the Applicant has proposed to install a high quality exterior pipe coating.” The CSLC’s engineer will verify such appropriate pipe coating during pipeline design review, as described in the Draft EIR under Impact S-2.5 (page D.2-37, Section D.2.3.5). In addition, Mitigation Measure S-2h (Section D.2.3.5, Impact S-2.5, Design Flaw) has been added to ensure that appropriate design review is completed prior to pipeline construction (see Section 4, under changes to Section D.4, page D.2-42).
- 14-32 See Response to Comment 14-4.
- 14-33 The text on page D.2-15 (see Section 4, changes to Section D.2, page D.2-15) has been modified to note that the pig launcher/receiver is “near” the northwest limit of the Rhodia facility.
- 14-34 Text has been added to the Segment 1 discussion under Section D.4.1.2 (Draft EIR page D.4-14) for the Phase 1 Carquinez Strait crossings (see Section 4, changes to Section D.4, page D.4-15). See also Responses to Comments 14-1, 14-3, and 14-4.
- 14-35 Text has been added to the description of the environmental setting for the Phase 2 Carquinez Strait crossing (see Section 4, changes to Section D.4 at page D.4-15 and Draft EIR, Section D.4.1.2). At present the described “creation, enhancement, and restoration” has yet to occur.
- 14-36 Section D.4.3, Environmental Impacts and Mitigation Measures for the Proposed Project, describes impacts of pipeline construction, operation, and accidents. Sixteen detailed mitigation measures are presented to reduce impacts to biological resources, including wetlands and aquatic habitats. Beginning on page D.4-70, the Draft EIR addresses Segment 1 impacts more specifically, acknowledging the Peyton Slough restoration project in discussions for both the proposed project and the Phase 2 Carquinez Strait crossing. We are not aware of any

inconsistencies between the analyses within the Draft EIR and the mitigation conditions and restoration goals for the Peyton Slough Remediation and Restoration Project.

14-37 The text in the referenced paragraph has been modified to clarify that Peyton Slough is tidal only north of the tide gate (see Section 4, changes to Section D.4, page D.4-16).

14-38 and -39 The temporary impacts to wetlands described in the referenced paragraph apply to pipeline construction in general. The specific discussion of impacts in Segment 1 is presented on page D.4-70 of the Draft EIR, and after considering Peyton Slough and the existing environment, impacts from construction are found to be less than significant after implementation of Mitigation Measures BB-2a and BB-5a. Note that Mitigation Measure BB-5a related to Wetland Avoidance and Restoration (Draft EIR, page D.4-43) has been modified (see Section 4, under changes to Section D.4, page D.4-43).

14-40 Mitigation Measure BB-5a, Wetland Avoidance and Restoration (Draft EIR, page D.4-43), has been modified to acknowledge other mitigation and permitting requirements that may apply to the Proposed Project (see Section 4, under changes to Section D.4, page D.4-43). The 5-year monitoring requirements for proposed project impacts do not restrict Rhodia's ability to implement longer-term monitoring requirements associated with the remediation and restoration project.

Regarding Phase 2, please refer to Response to Comment 14-3. See Responses to Comments 14-1 and 14-3 regarding the use of the existing pipeline ROW.

14-41 The discussion in Section D.4.3.5, Impact B-3 (Pipeline Maintenance and Repair Activities), applies to the entire pipeline ROW (to the proposed route or the alternative route). While resources in the Peyton Slough area are not specifically called out in this discussion, the mitigation measure would protect those resources and would reduce impacts to less than significant levels. In addition, Section 4.3.6 discusses such impacts by segment. Segment 1, in which the Peyton Slough Remediation and Restoration Project is located, is discussed beginning at page 4-70 of the Draft EIR.

14-42 Cumulative impacts in Marine Biology are addressed in Section D.4.3.8, page D.4-83, of the Draft EIR. Discussion has been added to that section (see Section 4, under changes to Section D.4, page D.4-82) to include the potential for cumulative impacts in the Peyton Slough area due to previous pipeline accidents.

14-43 As stated in the Response to Comment 14-42, the cumulative impacts discussion has been clarified. However, the general discussion of cumulative impacts to sensitive vegetation and wetlands is accurate and relevant to the Peyton Slough area.

14-44 The mitigation measures presented in the Draft EIR within Section D.4.3.3 beginning at page D.4-35 (and as modified in this Final EIR; see Section 4, under changes to Section D.4 at page D.4-43) for wetlands restoration (Mitigation Measures BB-5a and BB-5b) are adequate mitigation for impacts to the Peyton Slough area without adverse effects to the remediation and restoration efforts currently being planned.

14-45 Please see Response to Comment 14-17.

- 14-46 As stated in Draft EIR Section D.6.3.6, under Segment 1, page D.6-13, Peyton Slough and the Rhodia site were discussed and text page specifies that the site should be considered as having “high potential to impact the project.” As stated in the text, Mitigation Measure EC-1b (High Potential Impact Sites) would apply to construction through this area. The Rhodia site has been added to Table D.6-1 (see Section 4 under changes to Section D.6, page D.6-14) to clarify that it is one of a number of “Hazardous Waste Sites Potentially Impacting Segment 1.”
- 14-47 See Response to Comment 14-46. In addition, Section D.6.3.8, Cumulative Impacts (page D.6-21) has been revised to include discussion of the Peyton Slough Remediation and Restoration Project (see Section 4 under changes to Section D.6, page D.6-21). Table ES-1 (Draft EIR, page ES-22, with revisions shown in Section 4 of this Final EIR) allows a comparison of impacts between the proposed route and the Existing Pipeline ROW Alternative. See also Response to Comment 14-1.
- 14-48 Reference to the Peyton Slough Remediation and Restoration Project and the RWQCB site cleanup order for Peyton Slough has been added to Draft EIR Section D.8.1.2 (see Section 4, changes to Section D.8, page D.8-5), under Segment 1, as baseline information. Neither the presence of the known contamination nor the historic and planned clean-up activities affect the impact determinations or the recommended mitigation measures presented in Section D.8, Hydrology and Water Quality, at page D.8-1 in the Draft EIR.
- 14-49 Impact HS-3: Contamination of Surface Water by Directional Drilling Fluid Seepage (described in Draft EIR Section D.8.3.3 at page D.8-15) refers to potentially significant impacts that could occur to water quality in any area where directional drilling is proposed. The recommended Mitigation Measure HS-3a (Response to Unanticipated Release of Drilling Fluid) requires field surveys and monitoring wherever HDD will be employed and where such an impact could occur, including the Peyton Slough, and presents requirements that would be implemented if such contamination should occur there.
- 14-50 The suggestion will be forwarded to the RWQCB as the agency responsible for issuance of the NPDES and RWQCB Order No. 01-094.
- 14-51 Mitigation Measure HS-5a (Spill Response Plan to Protect Waterways, Section D.8.3.4) has been revised to ensure proper notification of all relevant parties (see Section 4, changes to Section D.8, page D.8-20). The RWQCB is a responsible agency, but it is not assigned responsibility for monitoring Mitigation Measure HS-5a.
- 14-52 Section D.8.3.4 of the Draft EIR, page D.8-17, addresses the potential for contamination of both surface water and groundwater from pipeline accidents. The potential for the Proposed Project to cause contamination of surface water, including the Carquinez Strait, by spilled product is addressed in Impact HS-5 (Accidental Contamination of Surface Water with Pipeline Product), at page D.8-18 of the Draft EIR. Impact GW-4 (Contamination of Groundwater) at page D.8-21 of the Draft EIR also addresses all groundwater contamination related to product spill, including the potential impact to Rhodia’s extraction system.
- 14-53 Section D.9 of the Draft EIR “. . . presents information on the *existing land use patterns* along the proposed pipeline route [emphasis added].” Table D.9-3 provides such information within Segment 1 with property owners, e.g., UPRR, East Bay Regional Parks, and Shore. The land use in Table D.9-3 for MP 3.6 to 5.0 has been changed to “Industrial” with the Rhodia infor-

- mation in parentheses, consistent with the presentation of land use adjacent to the Shore Terminal (MP 3.4 to 3.6). As the RWQCB Orders do not affect the existing land use patterns, they are not discussed in Section D.9.
- 14-54 The inclusion of explanatory information regarding the contamination of the Rhodia property within Segment 1 provides environmental baseline information upon which the impact analyses and mitigation applicable to resources along the segment route depend, regardless of property ownership.
- 14-55 The footnote on Draft EIR page D.9-4 has been modified to clarify that the implementation schedule is unknown at this time (see Section 4, changes to Section D.9, under page D.9-4).
- 14-56 See Responses to Comments 14-1, 14-3, 14-4, and 14-54.
- 14-57 The information in the Draft EIR is based on a communication with City of Martinez staff that indicates that no permits for pipeline construction would be required outside of public rights-of-way, which could include Rhodia's property and project area.
- 14-58 Discussion of cumulative impacts for land use is presented in the Draft EIR, Section D.9.3.8, at page D.9-25. No specific cumulative impacts are identified either in general or for the project related to the Peyton Slough Remediation and Restoration Project. Table ES-1 at page ES-22 of the Draft EIR allows a comparison between the Proposed Project and the Existing Pipeline ROW Alternative.
- 14-59 The intent of the commenter's recommendation is covered within "other areas of environmental concern" within the next-to-last bullet on page D.9-17 of the Draft EIR. All potential land use impacts, other than Impact LU-3 (Pipeline Accidents Affecting Sensitive Land Uses), have been reduced to a less than significant level.
- 14-60 The residual ore bodies or the planned remedial actions do not constitute a land use impact with the Proposed Project and are therefore not discussed as such. These impacts are addressed in biological resources, water resources, and environmental contamination sections of the Draft EIR. See also Response to Comment 14-17.
- 14-61 The status of the planning process for the remediation and restoration project has been clarified (see Section 4, changes to Section D.9, under page D.9-20).
- 14-62 Disturbance of special status wildlife species is considered in the Biological Resources section (Section D.4.3.3, page D.4-53, Impact BW-3, Habitat Removal or Disturbance of Special Status Wildlife Species), and Mitigation Measures BW-3a through BW-3d are presented therein. The salt marsh harvest mouse (page D.4-55) and the California black rail (page D.4-56) are specifically discussed.
- 14-63 This Final EIR includes revisions to Impact T-2 (Construction Restricting Property Access) and Mitigation Measure T-2a (Minimize Access Concerns) on page D.12-11 of the Draft EIR to specifically require coordination regarding other ongoing construction projects (see Section 4, under changes to Section D.12, page D.12-11). The language in the Draft EIR's Segment 1 impact discussion (page D.12-16) has also been modified to acknowledge the revised mitigation measure (see Section 4, under changes to Section D.12, page D.12-16). The uncertain timing

of the Peyton Slough Remediation and Restoration Project, as indicated in several preceding comments, precludes greater specificity.

- 14-64 The Peyton Slough Remediation and Restoration Project, which has been analyzed in each cumulative impact section of impact areas within Section D of the Draft EIR, has been added to Table E-1 (see Section 4, under changes to Section E, under page E-3).
- 14-65 All recommended mitigation measures, including those that pertain to cumulative impacts, are included in the tables in Section F, e.g., mitigation measures for Impact B-1: Pipeline Accident Affecting Biological Resources, are provided on page F-6 of the Draft EIR.
- 14-66 The RWQCB is a responsible agency for the Proposed Project under the CEQA, but is not assigned a responsibility to monitor implementation of Mitigation Measure EC-5a (Site Characterization After Accident).